



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

Public Notice

FILE NO.:	General Permit-45
EVALUATOR:	Mr. Mike Stewart
PHONE NO.:	(601) 631-5998
DATE:	March 4, 2005
EXPIRATION DATE:	April 4, 2005

FOR: CONSTRUCTION OF L- AND T-SHAPED PIERS, BOATHOUSES, AND GAZEBOS

WHERE: ROSS BARNETT RESERVOIR, MADISON, RANKIN, AND HINDS COUNTIES, MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE GENERAL PUBLIC

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, is considering reissuance of a General Permit for activities described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-FP, 4155 Clay Street, Vicksburg, Mississippi 39183-3435. Comments must reach this office by the expiration date cited above.

The Vicksburg District is proposing the reissuance of Department of the Army General Permit-45 for the construction of L- and T-shaped piers, boathouses, and gazebos on the Ross Barnett Reservoir, Madison, Rankin, and Hinds Counties, Mississippi. A general location map of the Ross Barnett Reservoir is shown on enclosure 1, and drawings of typical structures are shown on enclosure 2. Beyond a proposed five-year time extension, no significant changes are being proposed to the current General Permit-45, which was last reissued on April 18, 2000.

No activity resulting in the discharge of dredged or fill material into waters of the United States will be authorized under this proposed General Permit.

This proposed General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual

permits. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in, or affecting, waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT, IN WRITING, THE FOLLOWING INFORMATION:

- a. State the number of the General Permit under which the work is to be conducted. (General Permit-45)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.
- c. Location map showing the proposed worksite (including section, Township, Range, and County).
- d. A brief description of the present condition of the project site.
- e. A brief description of the proposed activity, its purpose, and intended use.
- f. Drawing of the proposed structure, including dimensions and total length of work.
- g. Estimated starting and completion dates of construction.

h. Name, mailing address, and telephone number of (person/agency) applying for authorization.

Upon receipt of this information, the Pearl River Valley Water Supply District will evaluate the proposal and advise the inquiring party, in writing, that the work will or will not be authorized under the General Permit.

If the work is authorized under the General Permit, the Pearl River Valley Water Supply District (PRVWSD) will, within 30 days, send a copy of the letter of approval, along with the background information, to the Vicksburg District for filing purposes.

Issuance of a letter of approval by the PRVWSD constitutes authorization under this General Permit.

Special Conditions:

a. All work proposed for authorization under this General Permit in the North Shore Pelahatchie Bay Area is limited to those areas designated for piers, boathouses, and gazebos in the Ross Barnett Reservoir, North Shore and Selected Parcels Master Plan, and approved modifications to the Master Plan.

b. Boat houses and piers may not extend out more than 50 feet from the shoreline, and shall be perpendicular to the shoreline.

c. Any timber pilings driven into the waters of the reservoir shall be a minimum of Class 6.

d. Construction materials shall be steel, concrete, plastic, or timber treated with chromated copper arsenate (CCA), in accordance with the requirements of the American Wood Preservers Association.

e. This General Permit does not authorize work or structures that could impede or obstruct navigation (including recreational boating) or create a safety hazard.

f. The discharge of dredged or fill material into jurisdictional waters of the United States is NOT authorized under this General Permit (i.e. this General Permit is limited to Section 10 activities and authorizations only).

g. The construction of bulkheads, boat slips, and boat channels is NOT authorized under this General Permit.

h. The construction of marinas is NOT authorized under this General Permit.

i. This General Permit does NOT authorize any residential development within the regulatory jurisdiction of the Vicksburg District which includes the discharge of dredged and/or fill material below elevation 297 and into wetlands.

General Conditions:

a. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b., below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from the PRVWSD, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact the PRVWSD so that the authorization can be transferred to the new owner.

c. You must allow the District Engineer or his authorized representative(s) or designee(s) to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

Further Information:

a. Additional copies of this Public Notice are available upon request, from this office. Requests may be addressed to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

c. The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity.

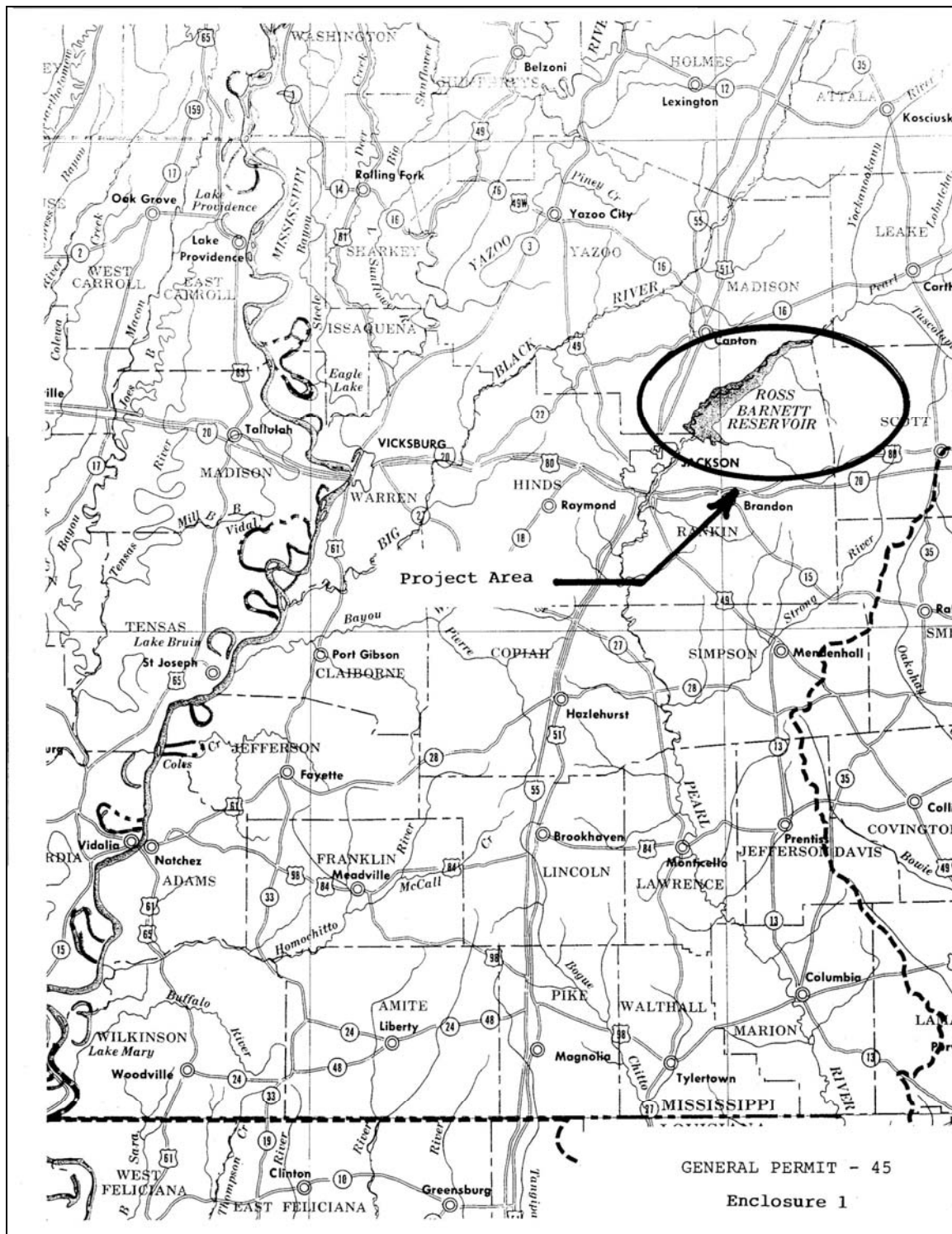
Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic

properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

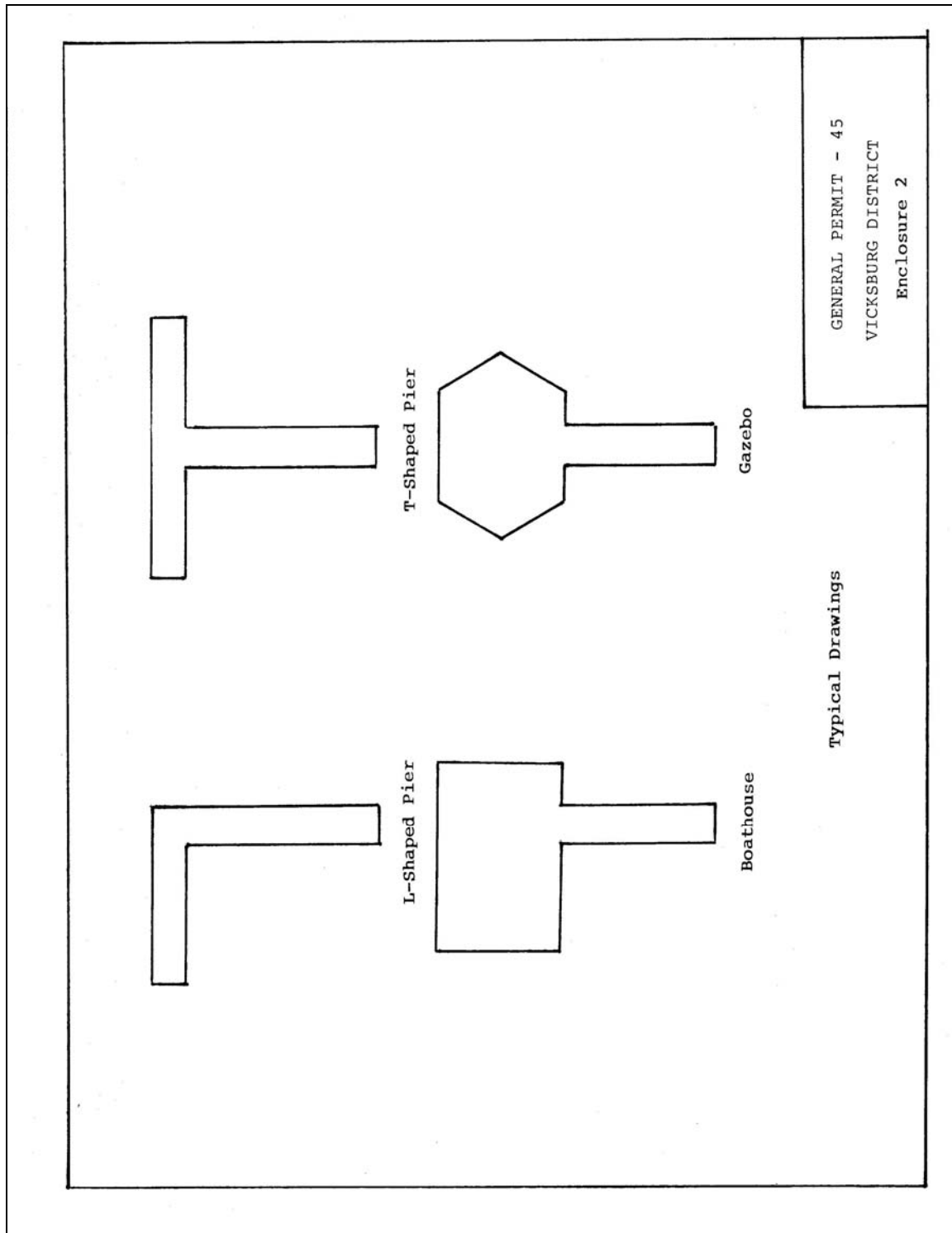
d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the project described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Anyone wishing to make comments may communicate with us at the following address: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Anthony C. Vesay
Colonel, Corps of Engineers
District Engineer



General Permit 45
Enclosure 1



General Permit 45
Enclosure 2

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